

IN THE WATER COURT OF THE STATE OF MONTANA  
LOWER MISSOURI DIVISION  
WHITEWATER CREEK - BASIN (40K)  
PRELIMINARY DECREE

\*\*\*\*\*

CLAIMANT: United States of America (Bureau of Land  
Management)

**CASE 40K-0171-R-2022**

40K 72465-00 40K 72653-00  
40K 72466-00 40K 72655-00  
40K 72468-00 40K 72656-00  
40K 72470-00 40K 72658-00  
40K 72472-00 40K 72660-00  
40K 72474-00 40K 72663-00  
40K 72646-00 40K 72669-00  
40K 72649-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Clerk of the Montana Water Court. Please review this Report carefully.

You may file a written objection to this Master's Report if you disagree or find errors with the Master's Findings of Fact, Conclusions of Law, or Recommendations. The above stamped date indicates the date this Master's Report was filed and mailed. Rule 23 of the Water Right Adjudication Rules requires written objections to a Master's Report be filed within 10 days of the date of the Master's Report. If this Master's Report was mailed to you, Rule 6(d) of the Montana Rules of Civil Procedure provides an additional 3 days to the 10-day objection period.

If you file an objection, you must mail a copy of the objection to all parties on the Service List found at the end of this Master's Report. The original objection and a certificate of mailing to all parties on the Service List must be filed with the Water Court. *If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.*

## MASTER'S REPORT

The above-captioned claims appeared in the Preliminary Decree for Whitewater Creek (Basin 40K) issued on March 7, 2019. The claims are owned by the United States Department of Interior, Bureau of Land Management (BLM). The claims did not receive objections, counterobjections, or notices of intent to appear but did receive issue remarks.

### FINDINGS OF FACT

1. All of the claims in this matter received the following issue remarks:

AN AMENDMENT WAS SUBMITTED ON 03/26/2018 REQUESTING TO AMEND THE MEANS OF CONVEYANCE, PRIORITY DATE, AND TYPE OF RIGHT. THE AMENDMENT WAS NOT PROCESSED. THE AMENDMENT WILL BE REVIEWED AFTER THE ISSUANCE OF THE PRELIMINARY DECREE.

THIS CLAIM IS BASED ON PUBLIC WATER RESERVE NO. 107 CREATED BY EXECUTIVE ORDER DATED APRIL 17, 1926. IT IS NOT CLEAR IF THIS CLAIMED RIGHT IS A FEDERAL RESERVED WATER RIGHT, BUT IF IT IS, IT IS NOT CLEAR WHETHER THE PURPOSE CLAIMED WAS CONTEMPLATED BY SUCH A RESERVATION, OR IF THE AMOUNT OF WATER CLAIMED IS THE AMOUNT NECESSARY TO FULFILL THE PURPOSE OF THE RESERVATION.

2. The amendment submitted to the DNRC requests that the priority date and type of historical right be modified as follows:

Priority Date:	<del>April 17, 1926</del>	<u>July 11, 1935</u>
Type of Historical Right:	<del>Reserved</del>	<u>Use</u>

3. The amendment also requested that the means of diversion be modified to "Wildlife Direct from Source." The means of diversion was modified prior to the issuance of the Basin 40K Preliminary Decree.

4. BLM attached a copy of Public Water Reserve No. 107 to the amendment. This filing supports the modifications requested in BLM's amendment.

5. The claims received the following notice-type issue remarks:

*40K 72465-00, 40K 72466-00, 40K 72468-00, 40K 72470-00,  
40K 72474-00, 40K 72653-00, 40K 72655-00, 40K 72658-00,  
40K 72660-00, 40K 72663-00, 40K 72669-00*

SOURCE NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

*40K 72472-00, 40K 72646-00, 40K 72656-00*

SOURCE NAME AND MEANS OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

*40K 72649-00*

SOURCE NAME, POINT OF DIVERSION, AND PLACE OF USE WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

6. All of the claims also received the following notice-type issue remark:

THIS CLAIM WAS NOT INCLUDED IN THE BASIN 40K TEMPORARY PRELIMINARY DECREE ISSUED NOVEMBER 21, 1989.

7. The issue remarks identify elements modified as a result of DNRC review pursuant to Montana Water Court reexamination orders. The remarks indicate that if no objections are filed, the elements of the claim will remain as they appear on the abstract and the remarks will be removed. None of the claims received objections.

### PRINCIPLES OF LAW

1. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA; Rule 10, W.R.Adj.R.
2. Prima facie proof may be contradicted and overcome by a preponderance of the evidence. Rule 19, W.R.Adj.R.
3. A preponderance of the evidence is evidence that shows a fact is “more probable than not.” *Hohenlohe v. State*, 2010 MT 203, ¶ 33, 357 Mont. 438, 240 P.3d 628.
4. If prima facie status is overcome, the burden shifts back to the claimant to demonstrate historical use. *79 Ranch v. Pitsch*, 204 Mont. 426, 432-33, 666 P.2d 215, 218 (1983).
5. Section 85-2-248(2), MCA, requires that the Water Court resolve all issue remarks that are not resolved through the objection process. *See also* Rule 7, W.R.Adj.R.
6. The Water Court may use information submitted by the DNRC, the Statement of Claim, and any other data obtained by the Court to evaluate a water right. Sections 85-2-227, -231(2), MCA.
7. When resolving issue remarks, the Water Court must weigh the information resulting in the issue remark and the issue remark against the claimed water right. Section 85-2-247(2), MCA. The factual evidence on which an issue remark is based must meet the preponderance of evidence standard before the prima facie status of a claim is

overcome. 43Q 200996-00 et al., Order Establishing Volume and Order Closing Case, at 18, June 8, 2015.

8. If a claimant agrees to reduce or limit a claim, the Water Court may accept the reduction or limitation without reviewing further evidence, unless an unresolved issue remark remains. Rule 17(c), W.R.Adj.R.

9. The party seeking to overcome the prima facie status of a Statement of Claim bears the burden of proof; this burden also applies to a claimant's objection to his own claim. *Nelson v. Brooks*, 2014 MT 120, ¶¶ 34, 37, 375 Mont. 86, 329 P.3d 558.

### CONCLUSIONS OF LAW

1. BLM showed by a preponderance of the evidence that the priority date and type of historical right for each claim in this matter should be amended as described in Finding of Fact No. 2. These modifications resolve the amendment and type of right issue remarks on each claim. The remarks should be removed.

2. The notice-type issue remarks served their notice purposes and should be removed from each claim.

### RECOMMENDATIONS

Based on the foregoing Findings of Fact and Conclusions of Law, this Master recommends that the Court adopt the changes as outlined above.

A post decree abstract of each water right claim reflecting the recommended changes is attached to this Report.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

#### Service via Email:

USA (Dept of Interior Bureau of Land Mgmt)  
5001 Southgate Dr  
Billings, MT 59101  
mnorris@blm.gov  
MontanaBasins.ENRD@USDOJ.GOV

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72465-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	24	37N	27E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	24	37N	27E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72466-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.90 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		N2SENE	24	37N	27E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2SENE	24	37N	27E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72468-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESENE	24	37N	27E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESENE	24	37N	27E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72470-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE	24	37N	27E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE	24	37N	27E	PHILLIPS



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72472-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.58 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	24	37N	27E	PHILLIPS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> WILDLIFE DIRECT FROM SOURCE						
2		NWNENE	24	37N	27E	PHILLIPS
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> WILDLIFE DIRECT FROM SOURCE						
<b>Period of Use:</b> JANUARY 1 TO DECEMBER 31						
<b>Place of Use:</b>						

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWNE	24	37N	27E	PHILLIPS
2			NWNENE	24	37N	27E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72474-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2NWNE	24	37N	27E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2NWNE	24	37N	27E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72646-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SESWSE	23	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
2		SWSESE	23	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
3		NENWNE	26	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
4		NWNENE	26	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
<b>Period of Use:</b>	JANUARY 1 TO DECEMBER 31					

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SESWSE	23	37N	28E	PHILLIPS
2			SWSESE	23	37N	28E	PHILLIPS
3			NENWNE	26	37N	28E	PHILLIPS
4			NWNENE	26	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72649-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.58 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2NWNE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2NWNE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72653-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.90 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENESE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENESE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72655-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.58 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENWNE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NENWNE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72656-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.73 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNESE	23	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
2		SWSENE	23	37N	28E	PHILLIPS
<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
<b>Diversion Means:</b>	WILDLIFE DIRECT FROM SOURCE					
<b>Period of Use:</b>	JANUARY 1 TO DECEMBER 31					
<b>Place of Use:</b>						

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNESE	23	37N	28E	PHILLIPS
2			SWSENE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72658-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 1.09 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2NESE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2NESE	23	37N	28E	PHILLIPS



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72660-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 5.79 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER

POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		E2SESE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2SESE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72663-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.90 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENESE	23	37N	28E	PHILLIPS

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
WHITEWATER CREEK  
BASIN 40K**

**Water Right Number:** 40K 72669-00 STATEMENT OF CLAIM  
**Version:** 3 -- POST DECREE  
**Status:** ACTIVE

**Owners:** USA (DEPT OF INTERIOR BUREAU OF LAND MGMT)  
5001 SOUTHGATE DR  
BILLINGS, MT 59101 4669

**Priority Date:** JULY 11, 1935

**Type of Historical Right:** USE

**Purpose (use):** WILDLIFE

**Flow Rate:**

**Volume:** 0.58 AC-FT

**Source Name:** UNNAMED TRIBUTARY OF INTERIOR DRAINAGE

**Source Type:** SURFACE WATER  
POTHOLE LAKE

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2SWSE	23	37N	28E	PHILLIPS

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WILDLIFE DIRECT FROM SOURCE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2SWSE	23	37N	28E	PHILLIPS